

2009 DRAFTING REQUEST

Bill

Received: **01/29/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Willing**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **TJD**

Submit via email: **NO**

Pre Topic:

DOA:.....Willing -

Topic:

MA trust fund increase; nursing home operating deficit

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L
/1	rryan 01/29/2009	kfollett 01/29/2009	phenry 01/29/2009		lparisi 01/29/2009		S&L
/2	rryan 02/02/2009	kfollett 02/02/2009	rschluet 02/02/2009		mbarman 02/02/2009		S&L
/3	rryan 02/09/2009	nmatzke 02/09/2009	phenry 02/09/2009		lparisi 02/09/2009		

FE Sent For:

<END>

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FE Sent For:

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/?	rryan						
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FE Sent For:

1/16 JF
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ph
ee
<END>

Ryan, Robin

From: Willing, Krista - DOA [Krista.Willing@wisconsin.gov]
Sent: Thursday, January 29, 2009 9:57 AM
To: Ryan, Robin
Subject: FW: Statutory Language Changes
Importance: High
Attachments: image001.gif; image002.gif; image003.gif

Hi Robin,

Below are two changes that we need to make to LRB-1660/2. I will call you to discuss.

Thanks,
 Krista

Krista Willing
 Health and Insurance Team
 Division of Executive Budget and Finance
 (608) 267-7980
Krista.Willing@wisconsin.gov

From: Gauger, Michelle C - DOA
Sent: Thursday, January 29, 2009 9:53 AM
To: Willing, Krista - DOA
Subject: Statutory Language Changes
Importance: High

Krista,

Two changes:

1. Revision – the amount appropriated to Medicaid in FY 09 needs to be \$50 million GPR to 4(b) and an increase in expenditure authority of \$62 million in 4(w). *in biennial budget bill*
2. New request to be included in that draft – under 49.45(6u)(7)(b), statutes require DHS to disburse federal medical assistance funds in excess of the amount anticipated and budgeted as revenue in the biennial budget act for the fiscal year in which the funds are received. This provision should be changed so that it is the amount anticipated and budgeted as revenue in the biennial budget act or subsequent legislation for the fiscal year in which the funds are received. The intent of this change is to allow the amount of anticipated revenue to be reestimated in budget adjustment bills or separate legislation. *in budget adjustment bill*

budget bill

01/29/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1867?

RLR:.....

In 1/29/09

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMR

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Current law caps the amount that DHS may distribute under MA to nursing homes, that are owned and operated by a local government (public nursing homes), to reduce operating deficits incurred by the nursing homes. However, current law also provides that if the state receives more federal MA revenue for reduction of operating deficits incurred by public nursing homes than is anticipated and budgeted in the biennial budget, then DHS must distribute that excess amount to the nursing homes. This bill provides that DHS must distribute to public nursing homes any federal MA revenue received for reduction of operating deficits incurred by public nursing homes that is in excess of the amount anticipated and budgeted in the biennial budget act and any other act that increases or decreases the amount of federal MA revenue budgeted for operating deficits incurred by public nursing homes.

The bill also increases, by \$62,000,000, the amount appropriated for MA from the MA trust fund for state fiscal year 2008-09.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (6u) (b) of the statutes is amended to read:

49.45 (6u) (b) Notwithstanding the limitation on the amount of disbursements under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the department shall, using the criteria specified in par. (am) 1. to 7., disburse any federal medical assistance funds that are received by the state as ~~matching funds to~~ federal financial participation for operating deficits incurred by a facility that is operated by a county, city, village, or town and that are in excess of the amount of match federal financial participation anticipated and budgeted as revenue in the biennial budget act, and any act that increases or decreases the amount appropriated for such operating deficits and that is effective after the biennial budget, for the fiscal year in which the funds are received.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153.

SECTION 9222. Fiscal changes; Health Services.

C.R. A.R. (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$62,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

SECTION 9422. Effective dates; Health Services.

9282

1

(1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. The treatment of SECTION 9411

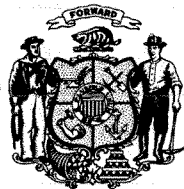
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() takes effect on on the day after publication.

3

(END)

A.R.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1867/1

RLR:kjf:ph

2/2/09

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RM/R

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Current law caps the amount that DHS may distribute under MA to nursing homes, that are owned and operated by a local government (public nursing homes), to reduce operating deficits incurred by the nursing homes. However, current law also provides that if the state receives more federal MA revenue for reduction of operating deficits incurred by public nursing homes than is anticipated and budgeted in the biennial budget, then DHS must distribute that excess amount to the nursing homes. This bill provides that DHS must distribute to public nursing homes any federal MA revenue received for reduction of operating deficits incurred by public nursing homes that is in excess of the amount anticipated and budgeted in the biennial budget act and any other act that increases or decreases the amount of federal MA revenue budgeted for operating deficits incurred by public nursing homes.

The bill also increases, by \$62,000,000, the amount appropriated for MA from the MA trust fund for state fiscal year 2008-09.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (6u) (b) of the statutes is amended to read:

2 49.45 (6u) (b) Notwithstanding the limitation on the amount of disbursements
3 under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the
4 department shall, using the criteria specified in par. (am) 1. to 7., disburse any
5 federal medical assistance funds that are received by the state as ~~matching funds to~~
6 federal financial participation for operating deficits incurred by a facility that is
7 operated by a county, city, village, or town and that are in excess of the amount of
8 ~~match~~ federal financial participation anticipated and budgeted as revenue in the
9 biennial budget act, and any act that increases or decreases the amount appropriated
10 for such operating deficits and that is effective after the biennial budget, for the fiscal
11 year in which the funds are received.

12 **SECTION 9222. Fiscal changes; Health Services.**

13 (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. In the schedule under section
14 20.005 (3) of the statutes for the appropriation to the department of health services
15 under section 20.435 (4) (w) of the statutes, as affected by the acts of 2009, the dollar
16 amount is increased by \$62,000,000 for the second fiscal year of the fiscal biennium
17 in which this subsection takes effect for the purposes for which the appropriation is
18 made.

19 **SECTION 9422. Effective dates; Health Services.**

1 (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. The treatment of SECTION 9222

2 (1) takes effect on on the day after publication.

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(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1867/2ins
RLR:.....

1

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~~SECTION 9422. Effective dates; Health Services.~~

3

~~(1)~~ NURSING HOME OPERATING DEFICITS. The treatment of section 49.45 (6u) (b) ✓

4

of the statutes takes effect on the day after publication.



State of Wisconsin
2009 - 2010 LEGISLATURE

3
LRB-1867/2

RLR:kjfrs

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2/9/09

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMR

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19 **SECTION 9422. Effective dates; Health Services.**

20 (1) MEDICAL ASSISTANCE 2009-10 APPROPRIATION. The treatment of SECTION 9222
21 (1) takes effect on on the day after publication. ✓

3 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1867/3
RLR:kjf&nwn:ph

DOA:.....Willing - MA trust fund increase; nursing home operating deficit

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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21 9222 (1) takes effect on on the day after publication.

(END)